

#19 reg for refund
3/2/04
PATENT

Practitioner's Docket No. IR3-023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jere F. Irwin
Application No.: 09/866,088 Group No.: 3727
Filed: May 25, 2001 Examiner: Stephen J. Castellano

Commissioner for Patents and Trademarks
Washington, D.C. 20231

ATTENTION: Refund Section, Accounting Division, Office of Finance

REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

I. RETURN OF REFUND REQUEST

This is a request for a refund, with respect to the debit to Deposit Account 23-0925, shown on the statement dated October 30, 2003 for the above-identified application.

A copy of the monthly statement, in which the error referred to occurs, accompanies this request. A copy of the Fee Transmittal, Remarks section, page 18-22 of Supplemental Amendment Response filed on 10/9/03, accompanies this request.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

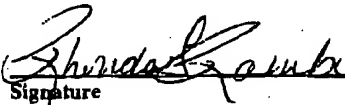
I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents and Trademarks, Washington, D.C. 20231.

FACSIMILE

- ☒ transmitted by facsimile to the Patent and Trademark Office. 703-308-6778


Signature

Rhonda G. Rambo

(type or print name of person certifying)

Date: 2/1 Feb. 2004

10 total pages

(Request for Debit (Improper Credit of Deposit Account)—page 1 of 2)

II. FEES CHARGED FOR WHICH REFUND IS REQUESTED

| | AMOUNT OF REFUND REQUESTED |
|--|---|
| 10/30/03 Improper charge for Claims excess of 20 (sm entity) | \$27.00 |
| 10/30/03 Improper charge for Claims excess of 20 (sm entity) | \$54.00 |
| TOTAL REFUND REQUESTED | \$81.00 |

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

On October 9, 2003 we submitted by facsimile a Supplemental Amendment Further to Examiner Interview on October 2, 2003. According to our calculations regarding Claims in Excess of 20, we should have been charged on our PTO Deposit Account (23-0925) for two (2) Claims in excess of 20, for a total amount of \$18.00 not \$81.00. Please refund our PTO Deposit Account for the total amount of \$81.00.

Please debit our PTO Deposit Account for the amount of \$18.00; two (2) Claims Excess of 20 as filed on October 9, 2003.

IV. MANNER OF REFUND

Please Credit Account No. 23-0925 for the total amount of \$81.00
Please Debit Account No. 23-0925 to the total amount of \$18.00

Date: February 24, 2004

K. Sathesh K.
Satheesh K. Karra
Reg. No. 40,246
Wells St. John P.S.
601 West First Ave., Suite 1300
Spokane, WA 99201-3828
Tel. No.: (509) 624-4276
Customer No.: 021567

(Request for Debit (Improper Credit of Deposit Account)—page 2 of 2)

| | | | | | |
|-----------|----------------|---------------------|------|-------------|-------------|
| 10/17 150 | 10683207 | M122-2234 | 1202 | \$10.00 | \$14,396.00 |
| 10/17 490 | 10416824 | H0001862 (H057-399) | 1613 | \$800.00 | \$13,598.00 |
| 10/20 1 | 09866088 | IR3-023 | 2252 | \$210.00 | \$13,386.00 |
| 10/20 335 | 78315341 | MA85-102 | 7001 | \$670.00 | \$12,716.00 |
| 10/20 357 | 78315364 | MA85-101 | 7001 | \$335.00 | \$12,381.00 |
| 10/21 388 | 09990707 | EC2-015 | 8001 | \$15.00 | \$12,366.00 |
| 10/21 416 | 76370809 | GO37-101 | 7004 | \$150.00 | \$12,216.00 |
| 10/22 32 | 6498378 | M122-1556 | 1811 | -\$100.00 | \$12,316.00 |
| 10/23 23 | 10688828 | | 9204 | -\$22.00 | \$12,338.00 |
| 10/23 122 | 10688230 | PC3-056 | 1201 | \$2.00 | \$12,336.00 |
| 10/23 246 | | VA16007 | 8014 | \$25.00 | \$12,311.00 |
| 10/23 929 | 2195845 | PO4-199 | 7205 | \$100.00 | \$12,211.00 |
| 10/23 930 | 2195845 | PO4-199 | 7208 | \$200.00 | \$12,011.00 |
| 10/24 33 | 09570365 | MI40-293 | 1202 | \$9.00 | \$12,002.00 |
| 10/24 49 | 10689958 | MI22-2417 | 1202 | \$612.00 | \$11,390.00 |
| 10/24 179 | 09428125 | MI22-1299 | 1806 | \$180.00 | \$11,210.00 |
| 10/24 318 | 78317869 | PO4-1224 | 7001 | \$335.00 | \$10,875.00 |
| 10/24 370 | 78317912 | PO4-1225 | 7001 | \$335.00 | \$10,540.00 |
| 10/24 389 | 76106529 | PO4-1139 | 7004 | \$150.00 | \$10,390.00 |
| 10/24 444 | 76106530 | PO4-1140 | 7004 | \$150.00 | \$10,240.00 |
| 10/24 741 | 76174600 | PO4-1146 | 7004 | \$150.00 | \$10,090.00 |
| 10/24 811 | 76229939 | PO4-1150 | 7004 | \$150.00 | \$9,940.00 |
| 10/27 5 | 10033599 | AV1-062 | 1201 | \$420.00 | \$9,520.00 |
| 10/27 9 | 10346869 | MI22-2225 | 1814 | \$110.00 | \$9,410.00 |
| 10/27 175 | 76268996 | PO4-1153 | 7004 | \$150.00 | \$9,260.00 |
| 10/27 212 | 76423513 | PO4-1183 | 7004 | \$150.00 | \$9,110.00 |
| 10/27 874 | 1802621 | IT2-104 | 7205 | \$100.00 | \$9,010.00 |
| 10/27 875 | 1802621 | IT2-104 | 7201 | \$400.00 | \$8,610.00 |
| 10/28 1 | PCT/US03/30783 | H0004362-PCT | 8007 | \$20.00 | \$8,590.00 |
| 10/28 8 | PAYMENT | | 9203 | -\$8,000.00 | \$14,590.00 |
| 10/28 58 | 10691758 | | 9204 | -\$180.00 | \$14,770.00 |
| 10/28 286 | 6603391 | M140-177 | 1811 | \$100.00 | \$14,670.00 |
| 10/28 295 | 10475251 | H0002507 (4015) | 1614 | \$100.00 | \$14,570.00 |
| 10/29 1 | 09172096 | | 1202 | \$216.00 | \$14,354.00 |
| 10/29 14 | 10300175 | MI22-2186 | 1202 | \$36.00 | \$14,318.00 |
| 10/29 15 | 10300175 | MI22-2186 | 1201 | \$84.00 | \$14,234.00 |
| 10/29 41 | 09695814 | H0001468 | 1201 | -\$336.00 | \$14,570.00 |
| 10/29 42 | 08846671 | 11675.114 | 1251 | -\$110.00 | \$14,680.00 |
| 10/30 1 | 10165569 | HO001173-CON | 1814 | \$110.00 | \$14,570.00 |
| 10/30 1 | 09866088 | IR3-023 | 2201 | \$43.00 | \$14,527.00 |
| 10/30 2 | 09866088 | IR3-023 | 2202 | \$27.00 | \$14,500.00 |
| 10/30 3 | 09866088 | IR3-023 | 2202 | \$54.00 | \$14,446.00 |
| 10/30 4 | 09866088 | IR3-023 | 2201 | \$86.00 | \$14,360.00 |
| 10/31 10 | 09866088 | IR3-023 | 2252 | -\$210.00 | \$14,570.00 |
| 10/31 117 | 10695959 | MI22-2400 | 1201 | \$2.00 | \$14,568.00 |

START
BALANCE
\$12,538.00

SUM OF
CHARGES
\$11,810.00

SUM OF
REPLENISH
\$13,840.00

END
BALANCE
\$14,568.00


**United States
Patent and
Trademark Office**

Return To:

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Page**Deposit Account Statement**

Requested Statement Month: October 2003
Deposit Account Number: 230925
Name: WELLS ST JOHN PS
Attention: RHONDA RAMBO
Address: 601 WEST FIRST AVENUE SUITE 1300
City: SPOKANE
State: WA
Zip: 99201-3817

| DATE | SEQ | POSTING REF TXT | ATTORNEY DOCKET NBR | FEE CODE | AMT | BAL |
|-------|------|--------------------|---------------------------|-------------|-------------|-------------|
| 10/02 | 25 | 09888214 | LO25-003 | 1202 | -\$72.00 | \$12,610.00 |
| 10/02 | 96 | 10672816 | MI22-2398 | 1202 | \$180.00 | \$12,430.00 |
| 10/03 | 15 | 6500744 | MI22-1197 | 1811 | -\$100.00 | \$12,530.00 |
| 10/03 | 23 | 10340126 | | 9204 | -\$180.00 | \$12,710.00 |
| 10/03 | 41 | 09695814 | H0001468 | 1201 | \$336.00 | \$12,374.00 |
| 10/03 | 42 | 09172096 | | 9204 | -\$20.00 | \$12,394.00 |
| 10/03 | 952 | 2135589 | TW3-106 | 7205 | \$100.00 | \$12,294.00 |
| 10/03 | 953 | 2135589 | TW3-106 | 7208 | \$200.00 | \$12,094.00 |
| 10/06 | 282 | 2121120 | CU15-101 | 7205 | \$100.00 | \$11,994.00 |
| 10/06 | 283 | 2121120 | CU15-101 | 7208 | \$200.00 | \$11,794.00 |
| 10/06 | 336 | 09880580 | | 9204 | -\$30.00 | \$11,824.00 |
| 10/07 | 19 | 09148723 | MI22-981 | 1806 | -\$180.00 | \$12,004.00 |
| 10/08 | 4 | 6500709 | MI22-1584 | 1811 | -\$100.00 | \$12,104.00 |
| 10/08 | 5 | 09967754 | ZA1-007 | 2801 | \$385.00 | \$11,719.00 |
| 10/08 | 551 | 78310625 | WO28-110 | 7001 | \$335.00 | \$11,384.00 |
| 10/09 | 2 | 09881299 | MI22-1747 | 1801 | \$750.00 | \$10,634.00 |
| 10/09 | 38 | SUBSCRIPTION | | 8001 | \$3.00 | \$10,631.00 |
| 10/09 | 43 | PCT/US03/30731 | H0003933-PCT | 1602 | \$250.00 | \$10,381.00 |
| 10/09 | 426 | 76095115 | CO75-102 | 7004 | \$150.00 | \$10,231.00 |
| 10/09 | 433 | 76095113 | CO75-101 | 7004 | \$150.00 | \$10,081.00 |
| 10/10 | 92 | 10102199 | NO35-001 | 8001 | \$15.00 | \$10,066.00 |
| 10/14 | 1886 | 78313283 | BE58-102 | 7001 | \$335.00 | \$9,731.00 |
| 10/15 | 1 | 09653156 | MI22-1518 | 1801 | \$770.00 | \$8,961.00 |
| 10/15 | 2 | 09686714 | IR3-012 | 2201 | \$42.00 | \$8,919.00 |
| 10/15 | 36 | SUBSCRIPTION | | 8001 | \$3.00 | \$8,916.00 |
| 10/15 | 599 | 78313654 | MA91-101 | 7001 | \$335.00 | \$8,581.00 |
| 10/15 | 603 | 78313657 | MA91-102 | 7001 | \$335.00 | \$8,246.00 |
| 10/16 | 27 | PAYMENT | | 9203 | -\$8,000.00 | \$14,246.00 |
| 10/16 | 384 | 10071843 | | 8021 | \$40.00 | \$14,206.00 |
| 10/17 | 23 | 6383848 | | 1811 | -\$100.00 | \$14,306.00 |
| 10/17 | 26 | 6482691 | MI22-1345 | 1811 | -\$100.00 | \$14,406.00 |

PTO/SB/17 (10-03)

Approved for use through 07/31/2006, OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$147.00)

Complete if Known

| | |
|----------------------|-----------------------|
| Application Number | 09/866,088 |
| Filing Date | May 25, 2001 |
| First Named Inventor | Jere F. Irwin |
| Examiner Name | Stephen J. Castellano |
| Art Unit | 3727 |
| Attorney Docket No. | IR3-023 |

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

23-0925

Wells St. John P.S.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|-------------------------------|-------------------------------|------------------------|----------|
| 1001 770 | 2001 385 | Utility filing fee | |
| 1002 340 | 2002 170 | Design filing fee | |
| 1003 530 | 2003 265 | Plant filing fee | |
| 1004 770 | 2004 385 | Reissue filing fee | |
| 1005 160 | 2005 80 | Provisional filing fee | |

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------|----------------|----------|
| 29 | 27 | 2 | 18.00 |
| 8 | 5 | 3 | 129.00 |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|-------------------------------|-------------------------------|--|----------|
| 1202 18 | 2202 9 | Claims in excess of 20 | |
| 1201 86 | 2201 43 | Independent claims in excess of 3 | |
| 1203 290 | 2203 145 | Multiple dependent claim, if not paid | |
| 1204 86 | 2204 43 | ** Reissue independent claims over original patent | |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent | |

SUBTOTAL (2) (\$147.00)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|-------------------------------|-------------------------------|--|----------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 1053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 420 | 2252 210 | Extension for reply within second month | |
| 1253 950 | 2253 475 | Extension for reply within third month | |
| 1254 1,480 | 2254 740 | Extension for reply within fourth month | |
| 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | |
| 1401 330 | 2401 165 | Notice of Appeal | |
| 1402 330 | 2402 165 | Filing a brief in support of an appeal | |
| 1403 290 | 2403 145 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,330 | 2453 665 | Petition to revive - unintentional | |
| 1501 1,330 | 2501 665 | Utility issue fee (or reissue) | |
| 1502 460 | 2502 240 | Design issue fee | |
| 1503 640 | 2503 320 | Plant issue fee | |
| 1460 130 | 1460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(c) | |
| 1808 180 | 1808 180 | Submission of Information Disclosure Stmt | |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 770 | 2801 385 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$0)

SUBMITTED BY

| | | | | | |
|-------------------|-------------------|-----------------------------------|-----------------|-----------|----------------|
| Name (Print/Type) | Satheesh K. Karra | Registration No. (Attorney/Agent) | 40,246 | Telephone | (509) 624-4276 |
| Signature | K. Satheesh | Date | October 9, 2003 | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

02/24/04 TUE 13:26 [TX/RX NO 5929] 005

Application Serial No. 09/866,088

REMARKS

Reconsideration is requested.

As a preliminary matter, Applicant acknowledges with appreciation the courtesy of an interview extended by Examiner Castellano on October 2, 2003. During the interview, differences between the claimed invention and the prior art references of record were discussed. Specifically, geometrical features and features related to alignment corner surface of a tray as recited in the claimed invention were discussed. Such claimed features were also demonstrated with reference to a model left with the Examiner. Although no agreement was reached, Examiner Castellano acknowledged that geometrical features and features related to alignment corner surfaces set forth positive limitations, and that further examination is required to determine patentability of the claimed invention.

In this response, claims 1, 17, 21, 26, and 33 have been amended, claim 32 has been cancelled, and new claims 34-36 have been added. Thus, claims 1-10, and 17-31, and 33-36 are pending in this application. New claims find support at least at page 8, paragraph 23, page 9, paragraph 24, and Figures 3, 7, and 10 of the present specification as originally filed.

The following additional arguments are provided in support of patentability of the claimed invention in addition to Applicant's arguments earlier submitted in a response filed on September 25, 2003.

Amended claim 1 recites, in part, a curved arc of the alignment corner surface is limited to each of the four corners on the inside surface thereof, and wherein an outer surface of the inclined lower section and the alignment corner surface cooperate to provide

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a bifurcated alignment structure during trimming of the tray, and further wherein the outer surface of the inclined lower section cooperates, during a severing operation, with a female die member to provide a coarse alignment structure, and the alignment corner surface of the upper section cooperates with a complementary alignment surface of an alignment fixture on a male member to provide a fine alignment structure. The above-recited features are neither taught nor suggested by the prior art references of record. Claim 1 would not be obvious even if the teachings of Corelli are combined with the teachings of Ramirez, Huang, Balzar, Reskow, or Schubert.

Accordingly, Applicant submits that claim 1 is allowable over the references of record. As claims 2-5, 7-8, and 10 depend from claim 1, they too are allowable.

Amended claims 17, 21, and 26 further recite "...each alignment corner surface is formed in an indented rib section that is formed in the upper wall section of each of the side walls." None of the references of record teach or suggest such feature in addition to the other respective features of claim 17, 21, and 26. Accordingly, Applicant respectfully submits that claims 17, 21, 26, and their respective dependent claims are allowable.

Claim 33 recites "... each alignment corner surface in a horizontal plane includes an arcuate surface formed as a recessed section into the plurality of ribs, and wherein each alignment corner surface is formed in an indented rib section that is formed in the upper wall section of each of the side walls." None of the references of record teach or suggest such recited claim features of claim 33. Claim 33 is therefore allowable.

New claims 34 and 35 further define the geometrical features and alignment corner surface of the rectangular tray.

COPY

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For example, claim 34 recites, in part, "...each alignment corner surface in a horizontal plane includes an arcuate surface formed as a recessed section into the plurality of ribs; wherein the recessed section is limited to an arcuate surface area formed by the corners of the side walls, an angle defined by the arcuate surface area being greater than 90 degrees and less than 180 degrees to produce an increased alignment surface area when compared to a right-angled corner surface; wherein a radius of the alignment corner surface is greater than a radius of a corner accompanying the alignment corner surface, wherein a curved arc radius sweep of the alignment corner surface is greater than a curved arc radius sweep of the corner accompanying the alignment corner surface, and a surface area of a frustoconical portion formed by the alignment corner surface is greater than a surface area of a frustoconical portion formed by the corner accompanying the alignment corner surface; and wherein an opening defined by the arcuate surface is specifically provided to receive an outwardly extending corner element of a complementary mating corner alignment fixture to maintain the tray accurately aligned at the corners as the tray is being trimmed from the thermal plastic expanded foam web.

None of the references of record teach or suggest the above-recited features of claim 34. Accordingly, claim 34 is allowable.

New claim 35 recites, in part, "...each alignment corner surface in a horizontal plane comprising a curved arc having an inside corner entrance opening defining an angle that is greater than 90 degrees and less than 180 degrees and specifically provided to receive an internal complementary mating corner alignment fixture to maintain the tray accurately aligned at the corners as the tray is being trimmed from the thermal plastic expanded foam

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web, and each inclined corner surface in a vertical plane forming an obtuse angle with the bottom wall that is less than a corresponding obtuse angle formed between a corresponding lower wall section and the bottom wall, wherein an outer surface of the inclined lower section and the alignment corner surface cooperate to provide a bifurcated alignment structure during trimming of the tray, and further wherein the outer surface of the inclined lower section cooperates, during a severing operation, with a female die member to provide a coarse alignment structure, and the alignment corner surface of the upper section cooperates with a complementary alignment surface of an alignment fixture on a male member to provide a fine alignment structure, and wherein the alignment corner surface has a larger radius limited locally to the curved arc, and the alignment corner surface forming a steep angle in a vertical plane compared to the angle formed between a corresponding lower wall section and the bottom wall.

None of the references of record teach or suggest the above-recited features of claim 35. Accordingly, claim 35 is allowable.

New claim 36 is allowable at least for reasons set forth above with reference to claims 34 and 35. For example, claim 36 recites, in part, "...wherein the alignment corner surface has a larger radius that is limited locally to the arcuate surface when compared to a radius of a corner accompanying the alignment corner surface" None of the references of record teach or suggest such recited features in addition to the other features recited in claim 36. Accordingly, claim 36 is allowable.

COPY

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CONCLUSION

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview before issuance of any such subsequent action.

Respectfully submitted,

Dated: _____

October 9, 2003

By: _____

K. Sath K

Satheesh K. Karra
Reg. No. 40,246

COPY

S:\VRS\0231\MOB.000 427-2-11-2003

22

TOTAL P.10

02/24/04 TUE 13:26 [TX/RX NO 5929] 010